

GAIL C. TRABISH, ESQ. (#103482)
BOORNAZIAN, JENSEN & GARTHE
A Professional Corporation
555 12th Street, Suite 1800
P. O. Box 12925
Oakland, CA 94604-2925
Telephone: (510) 834-4350
Facsimile: (510) 839-1897

Attorneys for Defendant
TARGET STORES, a division
of Target Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BARBARA CAMPBELL,

Plaintiff,

vs.

TARGET CORPORATION, and
DOES 1-10, inclusive.

Defendants.

Case No: **07 4006**

[Marin County Superior Court Case No.:
CV 064088]

**PETITION FOR REMOVAL OF
ACTION PURSUANT TO 28 U.S.C.
§1441(b) [DIVERSITY]**

Complaint Filed: September 19, 2006

TO THE CLERK OF THE ABOVE ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant TARGET STORES, a division of Target Corporation (hereinafter "Target"), hereby moves to this Court the state court action described below.

I. JURISDICTION

1. Defendant TARGET is informed and believes that plaintiff Barbara Campbell is a citizen of the State of California, and was at the time of the filing of the complaint and this Petition for Removal.

2. Defendant TARGET is a Minnesota corporation, whose principal place of business is in Roseville, Minnesota.

1 3. TARGET is a publicly held corporation whose Chairman and Chief Executive
2 Officer is Bob Ulrich.

3 4. Defendant TARGET is not a citizen of the state in which this action is pending.

4 5. The matter in controversy exceeds the sum of \$75,000, exclusive of interest,
5 attorney's fees and costs.

6 6. The Court has jurisdiction by virtue of 28 U.S.C. §1332 and 28 U.S.C. §1441(b).

7
8 **II. GROUNDS FOR REMOVAL**

9 7. On September 19, 2006, a civil action was commenced in the Marin County
10 Superior Court, Unlimited Jurisdiction, of the State of California, entitled *Barbara Campbell v.*
11 *Target Corporation, et al.*, Action No. CV 064088. A true and correct copy of the summons and
12 complaint is attached hereto and marked as **Exhibit A**.

13 8. Defendant TARGET was served with a copy of said Complaint by certified mail on
14 January 31, 2007. A true and correct copy of the Proof of Service is attached hereto and marked as
15 **Exhibit B**.

16 9. Defendant TARGET has answered plaintiff's complaint. A true and correct copy of
17 the answer is attached hereto and marked as **Exhibit C**.

18 10. This Court has original jurisdiction of this action pursuant to 28 U.S.C. §1332, and
19 the complaint is one which may be removed to this Court by Defendant TARGET pursuant to the
20 provisions of 28 U.S.C. §1441(b) in that it is a civil action between citizens of different states, and
21 the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

22 11. Defendant TARGET is the only named defendant in this action, and it is informed
23 and believes that no other defendants have been served in this action.

24 ///

25 ///

26 ///

27 ///

1 Based on the foregoing, Defendant TARGET respectfully requests that this Court accept
2 removal of this action.

3 DATED: August 2, 2007

4 BOORNAZIAN, JENSEN & GARTHE
A Professional Corporation

5
6 By: 

GAIL C. TRABISH, ESQ.

7 Attorneys for Defendant
8 TARGET STORES, a division of
Target Corporation

9 24850\411006

SUM-100

**SUMMONS
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

TARGET CORPORATION and DOES 1-20

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

BARBARA CAMPBELL

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED

SEP 19 2006

KIM TURNER
Court Executive Officer
MARIN COUNTY SUPERIOR COURT
By J. Naue, Deputy

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is: Marin County Superior Court
(El nombre y dirección de la corte es):
3501 Civic Center Drive

CASE NUMBER:
(Número del Caso): **064088**

San Rafael, CA 94903

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Sydney E. Fairbairn, SBN 122349 (415) 883-2199

269 Posada del Sol

Novato, CA 94949

KIM TURNER

DATE:
(Fecha) **SEP 19 2006**

Clerk, by
(Secretario)

J. NAUE

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

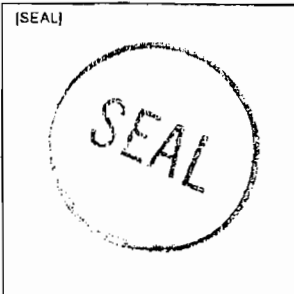
NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☐ by personal delivery on (date):



982.1(1)

FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Sydney E. Fairbairn, SBN 122349

Attorney at Law

269 Posada del Sol

Novato, CA 94949

TELEPHONE NO (415) 883-2199

FAX NO (Optional): (415) 883-2199

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name): Barbara Campbell

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN

STREET ADDRESS: 3501 Civic Center Drive

MAILING ADDRESS:

CITY AND ZIP CODE: San Rafael, CA 94903

BRANCH NAME:

PLAINTIFF: BARBARA CAMPBELL

DEFENDANT: TARGET CORPORATION

☒ DOES 1 TO 10

COMPLAINT—Personal Injury, Property Damage, Wrongful Death

☐ AMENDED (Number):

Type (check all that apply):

☐ MOTOR VEHICLE ☒ OTHER (specify): PREMISES LIABILITY☒ Property Damage ☐ Wrongful Death☒ Personal Injury ☒ Other Damages (specify):

Jurisdiction (check all that apply):

☐ ACTION IS A LIMITED CIVIL CASEAmount demanded ☐ does not exceed \$10,000☐ exceeds \$10,000, but does not exceed \$25,000☒ ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000)☐ ACTION IS RECLASSIFIED by this amended complaint☐ from limited to unlimited☐ from unlimited to limited

FILED

SEP 19 2006

KIM TURNER
Court Executive Officer
MARIN COUNTY SUPERIOR COURT
By: J. Nave, Deputy

CASE NUMBER:

064088

1. Plaintiff (name or names): BARBARA CAMPBELL

alleges causes of action against defendant (name or names): TARGET CORPORATION

2. This pleading, including attachments and exhibits, consists of the following number of pages:

3. Each plaintiff named above is a competent adult

a. ☐ except plaintiff (name):(1) ☐ a corporation qualified to do business in California(2) ☐ an unincorporated entity (describe):(3) ☐ a public entity (describe):(4) ☐ a minor ☐ an adult(a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed(b) ☐ other (specify):(5) ☐ other (specify):b. ☐ except plaintiff (name):(1) ☐ a corporation qualified to do business in California(2) ☐ an unincorporated entity (describe):(3) ☐ a public entity (describe):(4) ☐ a minor ☐ an adult(a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed(b) ☐ other (specify):(5) ☐ other (specify):☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

Page 1 of 3

982.1(1)

SHORT TITLE:

CAMPBELL, et al. v. TARGET CORPORATION, et al.

CASE NUMBER

4. ☐ Plaintiff (name):

is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. ☒ except defendant (name): Target Corporation. ☒ except defendant (name): Does 1-5(1) ☐ a business organization, form unknown(2) ☒ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):(1) ☒ a business organization, form unknown(2) ☒ a corporation(3) ☒ an unincorporated entity (describe):(4) ☒ a public entity (describe):(5) ☒ other (specify):b. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):d. ☐ except defendant (name):(1) ☐ a business organization, form unknown(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(4) ☐ a public entity (describe):(5) ☐ other (specify):☐ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a. ☒ Doe defendants (specify Doe numbers): 6-10 were the agents or employees of other named defendants and acted within the scope of that agency or employment.b. ☒ Doe defendants (specify Doe numbers): 11-15 are persons whose capacities are unknown to plaintiff.7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

a. ☐ at least one defendant now resides in its jurisdictional area.b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.d. ☒ other (specify): The store in which Plaintiff Barbara Campbell was injured is in this county.9. ☐ Plaintiff is required to comply with a claims statute, anda. ☐ has complied with applicable claims statutes, orb. ☐ is excused from complying because (specify):

982.1(1)

SHORT TITLE:

CAMPBELL, et al. v. TARGET CORPORATION, et al.

CASE NUMBER

10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☐ Motor Vehicle
- b. ☐ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☒ Premises Liability
- f. ☐ Other (*specify*):

11. Plaintiff has suffered

- a. ☐ wage loss
- b. ☐ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☒ property damage
- f. ☒ loss of earning capacity
- g. ☐ other damage (*specify*):

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date: September 18, 2006

Sydney E. Fairbairn, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

SHORT TITLE:

CAMPBELL, et al. v. TARGET CORPORATION, et al.

CASE NUMBER:

FIRST

(number)

CAUSE OF ACTION—Premises Liability

Page 4

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (name): Barbara Campbell

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): September 21, 2004 plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury): At the Target Corporation store in Novato, California, Barbara Campbell was walking down one of the side aisles in the pharmacy department. Ms. Campbell is a disabled person who is required to use a cane while she walks. Suddenly, she slipped in a clear liquid on the floor and fell onto her backside. Ms. Campbell injured her right arm, foot and back when she fell.

Prem.L-2. ☒ **Count One—Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names): Target Corporation

☒ Does 1 to 2

Prem.L-3. ☒ **Count Two—Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names): Target Corporation

☒ Does 3 to 4Plaintiff, a recreational user, was ☐ an invited guest ☒ a paying guest.

Prem.L-4. ☒ **Count Three—Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names): Target Corporation

☒ Does 5 to 6

a. ☒ The defendant public entity had ☐ actual ☒ constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.

b. ☒ The condition was created by employees of the defendant public entity.

Prem.L-5. a. ☒ **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):

☒ Does 7 to 8

b. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are ☐ described in attachment Prem.L-5.b ☐ as follows (names):

EXHIBIT B

CT CORPORATION
A WoltersKluwer Company

**Service of Process
Transmittal**
01/31/2007
Log Number 511863870

TO: Carter Leuty
Target Corporation
1000 Nicollet Mall
Minneapolis, MN, 55403-

RE: Process Served in California

FOR: Target Corporation (Domestic State: MN)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Barbara Campbell, Pltf. vs. Target Corporation, et al., Dfts.
DOCUMENT(S) SERVED: Summons (2 sets), Complaint(2 sets), Notice, Attachments (2 sets), Notice(s) (2 sets), Stipulation Form (2 Sets)
COURT/AGENCY: Marin County, San Rafael, Superior Court, CA
Case # CV64088
NATURE OF ACTION: Personal Injury - Slip/Trip and Fall - On or about September 21, 2004
ON WHOM PROCESS WAS SERVED: C T Corporation System, Los Angeles, CA
DATE AND HOUR OF SERVICE: By Certified Mail on 01/31/2007 postmarked on 01/29/2007
APPEARANCE OR ANSWER DUE: Within 20 days from date of mailing [1/29/2007] - Complete acknowledgment form and return // Within 30 days of service - file answer
ATTORNEY(S) / SENDER(S): Sydney E. Fairbairn
269 Posada del Sol
Novato, CA, 94949
415-883-2199
REMARKS: Service was made by mail under Section 415.30 of the California Code of Civil Procedure.
ACTION ITEMS: SOP Papers with Transmittal, via Fed Ex 2 Day, 790662294891
SIGNED: C T Corporation System
PER: Dianne Christman
ADDRESS: 818 West Seventh Street
Los Angeles, CA, 90017
TELEPHONE: 213-337-4615

2/2/07 1pm
RECEIVED
V. Leuty
Same
Sutegrove
Helen

Page 1 of 1 / JK

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of the package only, not of its contents.

EXHIBIT B

EXHIBIT C

03/19/2007 10:34 FAX 510 839 1897

002/005

FILED

MAR 16 2007

KIM TURNER
Court Executive Officer
MARIN COUNTY SUPERIOR COURT
By: C. Lucchesi, Deputy

1 GAIL C. TRABISH, ESQ. (#103482)
2 BOORNAZIAN, JENSEN & GARTHE
3 A Professional Corporation
4 555 12th Street, Suite 1800
5 P. O. Box 12925
6 Oakland, CA 94604-2925
7 Telephone: (510) 834-4350
8 Facsimile: (510) 839-1897

9 Attorneys for Defendant
10 TARGET STORES, a division
11 of Target Corporation

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 COUNTY OF MARIN

BY FAX

14 BARBARA CAMPBELL,

15 Plaintiff,

16 vs.

17 TARGET CORPORATION, and
18 DOES 1-10, inclusive.

19 Defendants.

Case No.: CV 064088

**ANSWER TO UNVERIFIED
COMPLAINT**

Complaint Filed: September 19, 2006

20 COMES NOW Defendant TARGET STORES, a division of Target Corporation, and for
21 its answer to the unverified complaint of plaintiff BARBARA CAMPBELL, on file herein, admits,
22 denies and alleges as follows:

23 Under the provisions of §431.30(d) of the California Code of Civil Procedure, this
24 answering defendant denies each and every, all and singular, generally and specifically, the
25 allegations contained in said complaint and further denies that plaintiff has been damaged in any
26 sum or sums, or at all, by reason of any act or omission on the part of this answering defendant.

27 AS A FIRST, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE TO THE
28 UNVERIFIED COMPLAINT ON FILE HEREIN, AND TO EACH CAUSE OF ACTION
THEREOF, this answering defendant is informed and believes and thereon alleges that neither the
complaint nor any of its alleged causes of action states facts sufficient to constitute a cause of

EXHIBIT C

1 action against this answering defendant.

2 **AS A SECOND, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE TO THE**
3 **UNVERIFIED COMPLAINT ON FILE HEREIN, AND TO EACH CAUSE OF ACTION**
4 **THEREOF**, this answering defendant is informed and believes and thereon alleges that plaintiff
5 failed to mitigate her alleged damages as required by law.

6 **AS A THIRD, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE TO THE**
7 **UNVERIFIED COMPLAINT ON FILE HEREIN, AND TO EACH CAUSE OF ACTION**
8 **THEREOF**, this answering defendant is informed and believes and thereon alleges that plaintiff
9 was comparatively at fault in the manner and style as set forth in the case of *Li v. Yellow Cab Co.*
10 (1975) 13 Cal.3d 804, and defendant prays that any and all damages sustained by said plaintiff be
11 reduced by the percentage of her negligence.

12 **AS A FOURTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE TO THE**
13 **UNVERIFIED COMPLAINT ON FILE HEREIN, AND TO EACH CAUSE OF ACTION**
14 **THEREOF**, this answering defendant is informed and believes and thereon alleges that the
15 damages complained of, if any there were, were proximately contributed to or caused by the
16 carelessness, negligence, fault or defects created by the remaining parties in this action, or by other
17 persons, corporations or business entities unknown to this answering defendant at this time, and
18 were not caused in any way by this answering defendant, or by persons for whom this answering
19 defendant is legally liable.

20 Should this answering defendant be found liable to plaintiff, which liability is expressly
21 denied, said defendant is entitled to have this award against it abated, reduced or eliminated to the
22 extent that the negligence, carelessness, fault or defects created by the remaining parties in this
23 action, or by said other persons, corporations or business entities, contributed to plaintiff's
24 damages, if any.

25 **WHEREFORE**, this answering defendant prays as follows:

- 26 1. That plaintiff take nothing by her complaint and that this answering defendant be
27 dismissed hence;
- 28 2. For reasonable attorneys' fees;

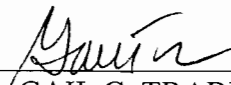
1 3. For costs of suit incurred herein; and

2 4. For such other and further relief as the Court deems fit and proper.

3
4 DATED: March 16, 2007

5 BOORNAZIAN, JENSEN & GARTHE
6 A Professional Corporation

7 By: _____

8 
9 GAIL C. TRABISH, ESQ.
10 Attorneys for Defendant
11 TARGET STORES, a division
12 of Target Corporation
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24850\400375

PROOF OF SERVICE BY MAIL
(C.C.P. SECTIONS 1013(a) -2015.5)

I am employed in the County of Alameda, State of California. I am over the age of 18 years and not a party to the within action. My business address is 555 12th Street, Suite 1800, P. O. Box 12925, Oakland, California 94604-2925.


I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. On the date indicated below, at the above-referenced business location, I sealed envelopes, enclosing a copy of the **ANSWER TO UNVERIFIED COMPLAINT**, addressed as shown below, and placed them for collection and mailing following ordinary business practices to be deposited with the United States Postal Service on the date indicated below:

Sydney E. Fairbairn, Esq.
Attorney at Law
269 Posada del Sol
Novato, CA 94949
(415) 883-2199 Phone
(415) 883-2199 Fax

Attorney for Plaintiff

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Oakland, California, on March 16, 2007.



Alexine L. Braun

24850\400375

CERTIFICATE OF SERVICE
(28 U.S.C. §1746)

I am employed in the County of Alameda, State of California. I am over the age of 18 years and not a party to the within action. My business address is 555 12th Street, Suite 1800, P. O. Box 12925, Oakland, California 94604-2925.

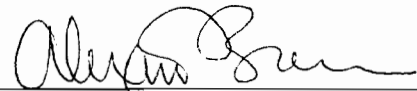
I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. On the date indicated below, at the above-referenced business location, I sealed envelopes, enclosing a copy of the **PETITION FOR REMOVAL OF ACTION PURSUANT TO 28 U.S.C. §1441(b) [DIVERSITY]; CIVIL CASE COVER SHEET**, addressed as shown below, and placed them for collection and mailing following ordinary business practices to be deposited with the United States Postal Service on the date indicated below:

Sydney E. Fairbairn, Esq.
Attorney at Law
269 Posada del Sol
Novato, CA 94949
(415) 883-2199 Phone
(415) 883-2199 Fax

Attorneys for Plaintiff

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Oakland, California, on August 3, 2007.



Alexine L. Braun

24850\411006